

Amendment No. 57 to SB3212

**Cohen
Signature of Sponsor**

AMEND Senate Bill No. 3212*

House Bill No. 3250

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting amendatory §3-17-101(2)(E) in Section 2 and by substituting instead the following:

(E) Conducted at a location where the organization maintains a physical presence;

AND FURTHER AMEND By deleting amendatory §3-17-102(a)(3)(B) in Section 2 and by substituting instead the following:

(B)

(i) An annual event shall be operated at a single location within a county in Tennessee where the §501(c)(3) organization has a physical presence, as disclosed pursuant to §3-17-103(a)(2)(A); provided that a §501(c)(3) organization may operate an annual event on the same day in one (1) county where it has a physical presence and in any county with a population in excess of three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census where it has a physical presence. Such location, or locations, shall be listed as the location of the annual event in the annual event application pursuant to §3-17-103(a)(16).

(ii) Any §501(c)(3) organization authorized to conduct an annual event at multiple locations pursuant to the provisions of this chapter shall only award prizes of real property at each location at which such organization is authorized to conduct an annual event. All such prizes of real property shall be located in the same county of each individual location at which the organization is authorized to conduct the annual event.

(iii) Nothing in this subsection (a)(3)(B) shall be construed to limit the ability of an organization to sell tickets, shares, chances or similar records for an authorized annual event in any political subdivision of this state.

AND FURTHER AMEND By deleting the amendatory language "and the location of the event" from §3-17-102(b) in Section 2 and by substituting instead the language "and the location, or locations, of the event".

AND FURTHER AMEND By deleting the amendatory language "and the location of the event" from §3-17-102(c) in Section 2 and by substituting instead the language "and the location, or locations, of the event".

AND FURTHER AMEND By deleting amendatory §3-17-102(d)(1) in Section 2 and by substituting instead the following:

(1)

(A) An authorized annual event shall be held within fourteen (14) calendar days of the event date listed in the annual event application; provided that nothing herein shall be construed as allowing two (2) annual events in any one-year period, as defined in §3-17-101(4), or as allowing a §501(c)(3) organization to operate an annual event at authorized multiple locations on separate days.

(B) A §501(c)(3) organization shall give notice to each chief law enforcement officer of the county or municipality in which the annual event shall be conducted one hundred thirty (130) days prior to the event date listed in the annual event application; provided that if the event date is within one hundred thirty (130) days from notification of authorization to conduct an annual event, the §501(c)(3) organization shall immediately, upon receipt of such notification and prior to the commencement of selling any tickets, shares, chances or similar records, give notice to the chief law enforcement officer of each county or municipality in which the annual event shall be conducted. In accordance with subsection (d)(1)(A), if the actual event date is different than the event date listed in the annual event application, a §501(c)(3) organization shall give an additional notice to each chief law enforcement officer of the county or municipality in which the annual event shall be conducted prior to conducting the annual event. For the purposes of this item, "notice" means a letter sent by certified mail, or by actual physical

delivery of a letter to the chief law enforcement officer or such officer's designee, containing, at a minimum, the following information:

- (i) The name of the §501(c)(3) organization;
- (ii) The name of the event;
- (iii) The location of the event, including the physical address where the annual event will be conducted;
- (iv) The type of lottery game to be conducted;
- (v) The event date for the event listed in the annual event application;
- (vi) If applicable, the actual event date for the annual event if different than the event date listed in the annual event application;
- (vii) If applicable, additional locations of the event, including the physical address where the annual event will be conducted, if such event will be operated at authorized multiple locations.
- (viii) The name, address and telephone number of the §501(c)(3) organization's chair, president or chief administrative officer; and
- (ix) If applicable, the name, address and telephone number of the person responsible for the operation of the annual event for the §501(c)(3) organization, if different than the organization's chair, president or chief administrative officer.

AND FURTHER AMEND By deleting amendatory §3-17-103(a)(16) in Section 2 and by substituting instead the following:

(16) The location, or locations, of the annual event including, at a minimum, the county in which the annual event would be conducted. Such location shall be in a county where the §501(c)(3) organization has a physical presence in Tennessee; provided that such location may be in one (1) county where the §501(c)(3) organization has a physical presence and in any county with a population in excess of three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census where such organization has a physical presence.

AND FURTHER AMEND By deleting amendatory §3-17-105(f) in Section 2 and by substituting instead the following:

(f) A §501(c)(3) organization that has received authorization to conduct an annual event, or conduct an annual event at multiple locations, may, at the discretion of the organization, cancel an annual event or, if authorized at multiple locations, cancel a location of the annual event; provided that:

(1) An affidavit from the §501(c)(3) organization's chair, president or chief administrative officer is filed with the secretary and the chief law enforcement officer of the county or municipality stating that the annual event, or a location of a multiple location annual event, is cancelled, and the nature of the cancellation, within ten (10) calendar days of the decision to cancel the event or location.

Such cancellation shall be posted on the website of the secretary.

Notwithstanding any provision of this chapter to the contrary, if a single location annual event is cancelled no other notice to the chief law enforcement officer of the county or municipality or a financial accounting shall be required except as provided in subdivision (2) of this subsection; if a location of a multiple location annual event is cancelled, no other notice to the chief law enforcement officer of the county or municipality of the cancelled location is required; and

(2) If cancellation occurs after the commencement of sale of tickets, shares, chances or similar records, a full refund is offered for at least ninety (90) days following cancellation; provided that if a location of a multiple location annual event is cancelled, only tickets, shares, chances or similar records for the cancelled location shall be required to be offered for at least ninety (90) days following cancellation. A §501(c)(3) organization shall give reasonable public notice of cancellation in the area in which tickets, shares, chances or similar records were sold including the terms of the refund offered. Such terms shall be included in the affidavit required pursuant to subdivision (1) of this subsection including a mailing or physical address to submit a refund claim and, within

ninety (90) days of cancellation an annual event, or location of a multiple location annual event, the organization shall file an accounting of tickets sold, refunds made and ticket proceeds remaining with the secretary and the chief law enforcement officer of the county or municipality. Any remaining ticket proceeds shall be used in furtherance of the charitable purposes or programs described in §3-17-103(a)(19) of the organization's annual event application.

No annual event cancelled pursuant to the provisions of this subsection may be conducted during the annual event period. No multiple location annual event for which a location is cancelled pursuant to the provisions of this subsection may be conducted at such cancelled location during the annual event period.

AND FURTHER AMEND By deleting the amendatory language "Conducted at one (1) location;" from Section 7 and by substituting instead the language "Conducted at a location where the organization maintains a physical presence;".

AND FURTHER AMEND By deleting amendatory §39-17-653(a) in Section 9 and by substituting instead the following:

(a) It is an offense for any person to knowingly conduct an annual event at a location other than the location, or locations, listed in a §501(c)(3) organization's annual event application pursuant to §3-17-103(a)(16).